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FM AMEMBASSY KUALA LUMPUR

TO RUEHC/SECSTATE WASHDC PRIORITY 1624

INFO RUCNASE/ASEAN MEMBER COLLECTIVE PRIORITY

RHEHNSC/NSC WASHDC PRIORITY

RHHMUNA/CDR USPACOM HONOLULU HI PRIORITY

UNCLAS KUALA LUMPUR 000798

SENSITIVE

SIPDIS

FOR EAP/MTS

E.O. 12958: N/A

TAGS: [PGOV](#) [KDEM](#) [MY](#)

SUBJECT: GOM SEEKS TO SHIFT ANWAR CASE TO HIGH COURT, NEXT HEARING SEPTEMBER 24

REF: KUALA LUMPUR 787

**¶11. (U) Summary:** The prosecution in the Anwar Ibrahim sodomy trial used the September 10 court session to seek a shift in venue to the High Court, a widely anticipated move. Anwar's lawyers asked for time to prepare their arguments, and the Sessions Court judge set the next court date for September **¶124.** The prosecution did not raise the issue of Anwar's continued bail. End Summary.

**¶12. (SBU)** As widely anticipated, the prosecution used the occasion to request a shift in venue from the current Sessions Court to the appellate-level High Court, arguing that the move is appropriate for such a high profile case. According to widespread rumors and Anwar's lawyers, the government already has identified a High Court judge with connections to the UMNO party who would try the case. Anwar's legal team responded that they had received formal notification of the prosecution's intentions only ten minutes before the court session. Sessions judge SM Komathy Suppiah ruled in favor of the defense, concluding that ten minutes notice was inadequate for defense preparations. The judge set the next hearing date for September 24.

**¶13. (U)** Anwar's lawyers added support to their position by arguing that the prosecution's request for the case to be transferred to the High Court was signed by Attorney General Abdul Ghani, who is a party to a legal complaint lodged by Anwar for tampering with evidence in his 1998 case. Although the judge did not use this in her decision to postpone the case, the defense will likely argue this point on September **¶124.**

**¶14. (U)** The prosecution did not raise the issue of Anwar Ibrahim's continued bail, which the court did not need to consider at this juncture absent a request by the prosecution.

**¶15. (U)** Poloff and FSN attended the September 10 Sessions court hearing on the Anwar Ibrahim sodomy case. A British diplomat also observed. Police officers recorded the names and identification card or passport numbers of all observers.

**¶16. (SBU) Comment:** Despite the three ring circus of Anwar supporters, police, and the media, Judge Komathy kept an orderly court, and she appeared professional and no-nonsense in dealing with the prosecution motion and defense objection.

In past conversations, Anwar's lawyers told us they expect to lose the argument on venue and anticipate defending the case before a High Court judge.

KEITH